

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC., a Delaware corporation,)
Plaintiff/Counter-Defendant,)
v.) Civil Action No.: 04-901 JJF
ILLUMINA, INC., a Delaware corporation,)
Defendant/Counter-Plaintiff.)

**MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF THE ASSERTED
CLAIMS OF THE '531 PATENT**

Defendant Illumina, Inc. respectfully moves for summary judgment of invalidity of the asserted claims of U.S. Patent No. 5,545,531 ("the '531 Patent"). The grounds for this motion are fully set forth in the accompanying brief filed contemporaneously herewith.



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Dated: July 14, 2006

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ORDER

IT IS HEREBY ORDERED, this _____ day of _____, 2006,
upon consideration of Illumina's Motion for Summary Judgment of Invalidity of the Asserted
Claims of the '531 Patent, and the parties' arguments and submissions related thereto, that the
motion is **GRANTED**. The asserted claims 1-4 of U.S. Patent No. 5,545,531 are hereby
adjudged to be invalid.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2006, I caused to be electronically filed the foregoing document, **MOTION FOR SUMMARY JUDGMENT OF INVALIDITY OF THE ASSERTED CLAIMS OF THE '531 PATENT**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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Additionally, I hereby certify that on the 14th day of July, 2006, the foregoing document was served via email and hand delivery on the above and via email and Federal Express on the following non-registered participant:

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